

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: David Morton, et al. Confirmation No.: 9629
Serial No.: 10/571,184
Filed: July 17, 2006 as national phase of International Patent
Application PCT/GB2004/003932, filed September 15, 2004
For: **MUCOACTIVE AGENTS FOR TREATING A
PULMONARY DISEASE**
TC/A.U.: 1623
Examiner: Eric OLSON
Customer No: 23280

February 17, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

S I R:

In accordance with Applicants' duty of disclosure under 37 C.F.R. §§ 1.56 and 1.97, Applicant hereby submits this Information Disclosure Statement, including one (1) sheet of Form PTO-1449, for consideration by the Examiner in connection with the above-identified patent application.

Applicants point out that attached as reference A9 is a copy of the European Patent Office's Summons to Oral Proceedings dated December 20, 2010 issued in connection with corresponding European Patent Application No. 04768478.2. Also attached is reference A5 is WO 01/32144 which was cited in the Summons. Applicants note that the following references cited in the Summons are not set forth on the enclosed PTO Form 1449, nor are copies provided herewith because these references were made of record in this application in a previously submitted Information Disclosure Statement.

- Tomkiewicz, R.P., et al., "A comparison of new mucolytic N-acetylcysteine L-lysinate with N-acetylcysteine: airway epithelial function and mucus changes in dog", Pulmonary Pharmacology, 8, pgs. 259-65, 1995
- Tomkiewicz, R.P., et al., "Mucolytic treatment with N-acetylcysteine L-lysinate metered dose inhaler in dogs: airway epithelial function changes", Eur. Respir J., 7, pgs. 81-87, 1994

- WO 00/33811 A2 (Vectura Ltd. [GB]; Ganderton David [GB]; Morton David Alexander Vodden) 15 June 2000 (2000-06-15)
- Lucas, Paul, et al., "Enhancement of small particle size dry powder aerosol formulations using an ultra low density additive", Pharmaceutical Research, Vol. 16, No. 10, pgs. 1643-47 1999

In addition, a copy of the Japanese Office Action dated December 14, 2010 is submitted as reference A10. A copy of references A5 (WO 01/32144) and A6 WO 01/34232 which are listed under the heading "Record of Prior Art Search" in the Japanese Office Action, are enclosed herewith. It should be noted that neither WO 01/32144 and WO 01/34232 were cited by the Japanese Patent Office for purposes of rejecting the application. Applicants note that copies of the following references cited in the Japanese Office Action are not set forth on the enclosed PTO Form 1449 because these references were made of record in this application in a previously submitted Information Disclosure Statement.

- PCT International Publication No. WO 01/15672
- PCT International Publication No. WO 03/068188
- PCT International Publication No. WO 03/068187
- PCT International Publication No. WO 03/068254
- PCT International Publication No. WO 99/06025
- PCT International Publication No. WO 97/06783

Additionally, WO 97/06783 is not set forth on the PTO Form 1449 because corresponding U.S. Patent No. 5,690,910 was previously submitted in an Information Disclosure Statement.

The present Information Disclosure Statement is filed under 37 C.F.R. § 1.97(d) and (e)(1), before the payment of the issue fee and each item of information contained in the Information Disclosure Statement was first cited in the Japanese Office Action dated December 14, 2010 or in the European Summons dated December 20, 2010 (i.e. a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement). Accordingly, the present Information Disclosure Statement is timely. Applicants enclose the requisite fee due under 37 C.F.R. § 1.17(p), in connection with the filing of this Information Disclosure Statement. If it is determined that any additional fee is due, the Examiner is authorized to charge said fee to Attorney Deposit Account No. 50-0552.

Receipt date: 02/17/2011

Attorney Docket No.: 4781.1077
10571184 - GAU: 1623

Applicants respectfully request that the references cited in the accompanying PTO 1449 form be considered and made of record. Applicants respectfully submit that the pending claims are patentable over all of the references made of record at this time.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

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FORM PTO-1449 (REV. 7-80)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY DOCKET NO. 4781.1077	APPLICATION NO 10/571,184
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT David Morton, et al.	
		FILING DATE July 17, 2006	GROUP 1623

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A01						
	A02						
	A03						
	A04						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
/ESO/	A05	WO 01/32144	2001-05-10	WO				
/ESO/	A06	WO 01/34232	2001-05-17	WO				
	A07							
	A08							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

/ESO/	A09	European Patent Office's Summons to Oral Proceedings dated December 20, 2010 issued in connection with corresponding European Patent Application No. 04768478.2
/ESO/	A10	Japanese Office Action dated December 14, 2010
	A11	
	A12	
	A13	
	A14	
	A15	
	A16	

EXAMINER /Eric Olson/	DATE CONSIDERED 02/22/2011
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	